



**FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
NORTHEAST REGION**

Philadelphia Office
One Oxford Valley Building, Suite 404
2300 East Lincoln Highway
Langhorne, Pennsylvania 19047

August 16, 2010

Eugene Gunn
Pittsburgh, Pennsylvania

NOTICE OF UNLICENSED OPERATION

Case Number: EB-10-PA-0205
Document Number: W201032400010

The Commission received a complaint alleging that the operation of your Citizens Band ("CB") radio station in Pittsburgh, Pennsylvania is causing harmful interference to home electronic and entertainment equipment including televisions and telephones. As described below, an agent from the Enforcement Bureau's Philadelphia Office found during an investigation that you were operating your CB station at your residence in Pittsburgh, Pennsylvania in a manner that voided your authorization to operate.

Section 95.411(a) and (b) of the Rules provides that CB operators shall not attach to their CB stations external radio frequency power amplifiers ("linear amplifiers") or any other devices which are capable of amplifying a CB station's signal and that operators will be presumed to have used a linear amplifier if the linear amplifier is in the operator's possession or on the operator's premises.¹ Section 95.411(b) states that use of a linear amplifier voids the authority to operate.² On July 21, 2010, an agent from this office conducted an inspection of your CB station and observed several linear amplifiers. You admitted to the agent that you repair and test linear amplifiers and use a linear amplifier with the CB station in your vehicle.

You are hereby warned that operation of radio transmitting equipment without a valid radio station authorization constitutes a violation of 47 U.S.C. § 301 and could subject you to severe penalties, including, but not limited to, substantial monetary fines, *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment. (see 47 U.S.C. §§ 401, 501, 503 and 510).

**UNLICENSED OPERATION OF THIS RADIO STATION MUST BE DISCONTINUED
IMMEDIATELY.**

If the harmful interference continues, the FCC may impose restricted hours of operation for your CB station, pursuant to Section 95.423 of the Rules. In addition, the Commission may commence a further investigation to determine whether you continue to operate your station in violation of any of the Commission's Rules.

¹ 47 C.F.R. §§ 95.411(a) and (b).

² 47 C.F.R. § 95.411(b).

You have ten (10) days from the date of this notice to respond with any evidence that you are now operating your station in accordance with the Rules. Your response should be sent to the address in the letterhead and reference the listed case and document number. Under the Privacy Act of 1974, 5 U.S.C. § 552a(e)(3), we are informing you that the Commission's staff will use all relevant material information before it to determine what, if any, enforcement action is required to ensure your compliance with FCC Rules. This will include any information that you disclose in your reply.

You may contact this office if you have any questions.

Gene J. Stanbro
District Director
Philadelphia Office
Northeast Region
Enforcement Bureau

Attachments:

Excerpts from the Communications Act of 1934, As Amended
Enforcement Bureau, "Inspection Fact Sheet", March 2005